

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES KELLY CHAVEZ,

Defendant.

CR 22–75–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on October 4, 2022. (Doc. 30.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Defendant James Kelly Chavez’s guilty plea after he appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and entered a guilty plea to one count of

possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), as set forth in the Superseding Information. Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 30) is ADOPTED in full.

IT IS FURTHER ORDERED that James Kelly Chavez's motion to change plea (Doc. 15) is GRANTED and he is adjudged guilty as charged in the Superseding Information.

DATED this 24th day of October, 2022.



Dana L. Christensen, District Judge
United States District Court